

From: [Horwitz, Sylvia](#)
To: [Neugeboren, Steven](#); [Srinivasan, Gautam](#)
Subject: RE: Changes to West Virginia's NPDES Program
Date: Thursday, March 19, 2015 5:24:00 PM

Thanks. And I got the vm – will follow up.

Sylvia Horwitz
Office of General Counsel
Water Law Office
WJC North 7353H
Phone: 202-564-5511

From: Neugeboren, Steven
Sent: Thursday, March 19, 2015 5:23 PM
To: Horwitz, Sylvia; Srinivasan, Gautam
Subject: FW: Changes to West Virginia's NPDES Program

Here is avi's response. Left you a vmail

From: Garbow, Avi
Sent: Thursday, March 19, 2015 5:21 PM
To: Jim Hecker
Cc: Neugeboren, Steven
Subject: RE: Changes to West Virginia's NPDES Program

Jim,

Thank you for the letter and follow-up email. I have read the letter, and we are in the process of determining whether we can arrange a meeting, and if so, who the best participants would be from the Agency. I expect we will get back to you shortly.

Regards,

Avi

Avi Garbow
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Jim Hecker [<mailto:JHecker@publicjustice.net>]
Sent: Wednesday, March 18, 2015 10:22 AM
To: Garbow, Avi
Subject: Changes to West Virginia's NPDES Program

Dear Mr. Garbow:

I hope you have had a chance to review the attached letter we sent to you last month about the changes to West Virginia's NPDES program in SB 166 and SB 357.

The relevant provisions of SB 166 were enacted as HB 2283 (pp. 4-5), which was passed by the Legislature on March 12 and became effective on that date. SB 357 was signed by the Governor on March 12 and will become effective on June 1, 2015. The final version of that bill provides that water quality standards "shall not be considered 'effluent standards or limitations' for the purposes of both this article and sections 309 and 505 of the federal Water Pollution Control Act and shall not be independently or directly enforced or implemented except through the development of terms and conditions of a permit issued pursuant to this article." SB 357, p. 20. It also provides that "water quality standards themselves shall not be incorporated wholesale either expressly or by reference as effluent standards or limitations in a permit issued pursuant to this article." Id. at 22.

Would it be possible to meet with you to discuss these changes?

Jim Hecker
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